

AP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,428	09/13/1999	CHARILAOS CHRISTOPOULOS	2466-35	4221

23117 7590 11/09/2005

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.	Applicant(s)	
09/394,428	CHRISTOPOULOS ET AL.	
Examiner	Art Unit	
Behrooz Senfi	2613	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 27 May 2005 is acknowledged.

1.  The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a.  The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b.  The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).

2.  The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3.  The reply is entered. An explanation of the status of the claims after entry is below or attached.

4.  Other: Based on the Remand from the Board of Appeals and Interferences, the Appeal Brief is defective because the language of claim 11 in the Appendix differs from its last official amended version (dated, 7/30/2002). The Board has ordered the Examiner to notify appellants to submit a new Appendix to the Appeal Brief which contains the corrected claim.

Upon further consultation with the Quality Assurance Specialist (QAS), the Amendment filed (5/27/2005) can not be entered because it does not comply with the condition set forth in the MPEP "section 1206, Amendments filed on or after the date of filing a brief". Examiner apologies for any inconvenience this may cause.

  
VILLE  
PRIMARY EXAMINER